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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF MARIN

10

11 CHURCH OF SCIENOTOLOGY INTERNATIONAL,)
a California not-for-profit)
12 religious corporation,)

13 Plaintiff,)

14 vs.)

15 GERALD ARMSTRONG; MICHAEL WALTON;)
THE GERALD ARMSTRONG CORPORATION,)
16 a California for-profit)
corporation; DOES 1 through 100,)
17 inclusive,)

18 Defendants.)

19

No. 157 680

SEPARATE STATEMENT OF
REQUESTS FOR ADMISSION
AND RESPONSES IN DISPUTE

Date: 9/2/94
Time: 10:00 a.m.
Dept: Referee W.R. Benz
Trial Date: 9/29/94

20 PROPOUNDING PARTY: Defendant GERALD ARMSTRONG

21 RESPONDING PARTY: Plaintiff CHURCH OF SCIENOTOLOGY INTERNATIONAL

22 SET NO: ONE

23 Request for Admission No. 3:

24 That plaintiff and/or its agents in 1984 through 1986 at any
25 time took action to accuse Michael Flynn with attempting to have
26 cashed a check on an account of L. Ron Hubbard at the Bank of New
27 England.

28 Response to Request for Admission No. 3:

1 Plaintiff objects to this request for admission on the
2 grounds that it is (1) irrelevant to the subject matter of the
3 action, (2) interposed solely to harass, oppress and annoy the
4 plaintiff, and (3) vague, ambiguous and unintelligible as phrased.

5 Reason admission needed:

6 The request is relevant to the subject matter of the action,
7 interposed for legitimate discovery reasons, and is very clear.
8 Armstrong contends that Scientology subjected Michael Flynn to a
9 campaign of "Fair Game" which included complex intelligence and
10 Black Propaganda operations, and which resulted, as Scientology
11 intended, in Flynn's desire to get out of Scientology-related
12 litigation, as a defendant, plaintiff, attorney of record or co-
13 counsel at almost any cost. Scientology defines "Black
14 Propaganda" as "a common tool of agencies who are seeking to
15 destroy real or fancied enemies or seek dominance in some field."
16 One of the operations Scientology ran against Flynn involved
17 accusing him in legal proceedings, including Armstrong I, and in
18 the international media of participating in, indeed masterminding,
19 the forgery of a \$2,000,000 check on one of Hubbard's bank
20 accounts. Flynn represented Armstrong. To get out from under the
21 fair game attacks and threat Flynn passed on Scientology's duress
22 to Armstrong, acting as Scientology's de facto agent. Flynn told
23 Armstrong that Scientology had ruined his marriage, threatened his
24 family and law practice, and attempted to have him murdered.
25 Armstrong had himself personal knowledge of the organization's
26 illegal policies and practices, and had himself been the target of
27 fair game attacks and threat. Flynn advised Armstrong that he,
28 Flynn, had to get out of the Scientology litigation, including

1 Armstrong's case, and stated that the threats and attacks would
2 continue if Armstrong did not sign the subject settlement
3 agreement. If what Armstrong claims was done to Flynn by
4 Scientology and what Flynn told Armstrong is true, the subject
5 settlement agreement was signed under duress, is invalid, and
6 Scientology's claim of damages owed by Armstrong, on which it
7 bases its claims in this action is invalid. Scientology's years
8 of acts against Flynn, therefore, have undeniable relevance to
9 this action. See, e.g., eleventh affirmative defense (Duress and
10 Undue Influence) in Armstrong's verified answer.

11 Judge Thomas ruled in his order sustaining CSI's demurrer to
12 Armstrong's first amended cross-complaint that the issues
13 (concerning Armstrong's cause of action for declaratory relief
14 regarding the subject agreement based on duress, etc.) will be
15 determined either in the Los Angeles action or in this action.
16 The subject matter of this request, therefore, is already ordered
17 relevant in CSI's clearly interrelated lawsuits against Armstrong,
18 and to argue that this request should not be answered because it
19 is not relevant in either case, but certainly where there is a
20 September trial date, is not done in good faith. Armstrong's
21 second amended cross-complaint, moreover, has survived CSI's
22 demurrer and motion to strike, and Scientology's fair game acts
23 toward attorney Flynn are background to and set the stage for
24 CSI's acts toward Armstrong delineated in that cross-complaint,
25 and are therefore discoverable.

26 Request for Admission No. 6:

27 That the Guardian's Office of Scientology staff used means to
28 deal with people the Guardian's Office perceived as enemies of

1 Scientology that were against the law.

2 Response to Request for Admission No. 6:

3 Plaintiff objects to this request for admission on the
4 grounds that it is (1) irrelevant to the subject matter of the
5 action, (2) interposed solely to harass, oppress and annoy the
6 plaintiff, and (3) vague, ambiguous and unintelligible as phrased.

7 Supplemental Response to Request for Admission No. 6:

8 CSI further objects that this request for admission seeks
9 information about an organization which was disbanded several
10 years prior to Armstrong's signing of his settlement agreement
11 with the Church in December of 1986 and which has no relationship
12 to the subject matter of this action. At the time of the
13 settlement, Armstrong executed a declaration in which he stated
14 that he was aware that the Guardian's office had been disbanded
15 and that his disagreements were solely with that organization.
16 CSI further objects on the grounds that on June 17, 1994, the
17 Court ordered references to such remote events, entities or
18 occurrences stricken from Armstrong's cross-complaint, and that
19 Armstrong has interposed and pursued this discovery request in bad
20 faith.

21 Reason admission needed:

22 See reason for 3, above. Additionally, the language of this
23 request for admission is exactly what Scientology's leader David
24 Miscavige stated in his declaration executed February 8, 1994 and
25 filed in the case of CSI v. Fishman, et al. USDC for Central
26 District of California, No. CV 91-6426 HLH(Tx). (Armstrong
27 responded by declaration to Miscavige's accusations about him and
28 CSI amended its Armstrong II complaint to include a cause of

1 action and claim for \$50,000 in liquidated damages for the
2 responsive declaration. The Armstrong IV complaint is based on
3 damages claimed by CSI in II.) Both Miscavige and CSI are
4 knowledgeable about the Guardian's Office using illegal means
5 against its perceived enemies. Armstrong was judged in Armstrong
6 I to have been justified in sending Hubbard's archival documents
7 to his lawyers because of the threat of illegal means he knew of
8 by the Guardian's Office. Scientology still maintains and still
9 argues in dead agent packs that Armstrong was not justified. At
10 the same time when it serves its other purposes it blames the
11 Guardian's Office for criminal acts. Moreover, the same illegal
12 practices and actions, fair game, black propaganda, etc. have
13 continued with the new Miscavige regime and his new Guardian's
14 Office, the Office of Special Affairs. These illegal practices
15 have continued against Armstrong to this day, including the
16 illegal actions which resulted in the settlement agreement, and
17 the agreement itself. Thus Armstrong would be equally justified
18 in breaching the settlement agreement in order to again defend
19 himself. See, e.g., sixth affirmative defense (Unclean Hands) in
20 Armstrong's verified answer. If CSI denies that the Guardian's
21 Office used illegal means against its perceived enemies, such
22 denial can be used to impeach Miscavige, who is CSI's managing
23 agent.

24 The objection to this request for admission is evasive and
25 unfounded. Because the subject's relevance is manifest, the
26 request cannot be harassive, annoying or oppressive. Miscavige
27 himself made this charge (Miscavige declaration of February 8,
28 1994 at ¶26, p. 17:13-19), and it is sufficiently clear, the

1 language being Miscavige's. Scientology maintains as its public
2 relations and attack positions toward Armstrong, even putting on
3 the Internet, that Armstrong's fears of retaliation by Scientology
4 and its Guardian's Office in 1981 and 1982 were unfounded. It
5 also attacks Judge Breckenridge and his 1984 decision on this
6 basis (see, e.g., Dead Agent pack produced by CSI re Judge
7 Breckenridge). The matter of the Guardian Office's treatment of
8 perceived enemies is therefore relevant to Scientology's acts
9 toward Armstrong to this day.

10 Request for Admission No. 7:

11 That the Guardian's Office functions were taken over by Sea
12 Organization units, offices or organizations.

13 Response to Request for Admission No. 7:

14 Plaintiff objects to this request for admission on the
15 grounds that it is (1) irrelevant to the subject matter of the
16 action, (2) interposed solely to harass, oppress and annoy the
17 plaintiff, and (3) vague, ambiguous and unintelligible as phrased.

18 Supplemental Response to Request for Admission No. 7:

19 CSI further objects that this request for admission seeks
20 information about an organization which was disbanded several
21 years prior to Armstrong's signing of his settlement agreement
22 with the Church in December of 1986 and which has no relationship
23 to the subject matter of this action. At the time of the
24 settlement, Armstrong executed a declaration in which he stated
25 that he was aware that the Guardian's office had been disbanded
26 and that his disagreements were solely with that organization.
27 CSI further objects on the grounds that on June 17, 1994, the
28 Court ordered references to such remote events, entities or

1 occurrences stricken from Armstrong's cross-complaint, and that
2 Armstrong has interposed and pursued this discovery request in bad
3 faith.

4 Reason admission needed:

5 See reason for 3 and 6, above. There has been a continuous
6 chain of intelligence, public relations and legal functions
7 without change of any significant kind, pursuant to Hubbard's
8 policies, orders and practices. The Office of Special Affairs
9 (the Office of Special Affairs) is a semi-autonomous unit as was
10 the old Guardian's Office, which was an admittedly criminal
11 enterprise. The Office of Special Affairs is the secular arm and
12 function of Scientology, although Scientology claims these same
13 functions of Black Propaganda, fair game and use of the law to
14 harass and ruin perceived enemies are "ecclesiastical." (See,
15 e.g., Farny deposition at 141:3 - 142:22, 182:7-21, 183:19-184:23.
16 The Office of Special Affairs contains much of the same personnel
17 as the former "disbanded" "Guardian's Office," and contrary to
18 Miscavige's assertion that the Office of Special Affairs has no
19 executives in it who were in the earlier Guardian's Office, Lynn
20 Farny, produced by CSI as its secretary and official deposition
21 spokesman admitted that he is both an executive in the Office of
22 Special Affairs and was a member of the earlier one. (Farny
23 deposition at 124:1-6, 146:14-16.) The subject matter of this
24 request for admission goes to all of Armstrong's defenses which
25 justify every action he has taken since the 1986 settlement
26 agreement. Plaintiff has no real reason to hide the nature and
27 form of its organization, especially that of the organization
28 sector which has waged an unending legal, public relations and

1 intelligence war on Armstrong since the settlement. On the other
2 hand, Armstrong has a legitimate right to know what his accuser
3 is.

4 CSI has claimed that it is a religious corporation, and has
5 sought to obtain privileges in its litigation involving Armstrong
6 based on its status as a religion. Therefore the sincerity in
7 which it holds its religious beliefs is an issue. Armstrong
8 contends that the Office of Special Affairs, containing the legal,
9 public relations and intelligence functions, and control of
10 organization funds for these purposes, is insincere in its
11 publicly expressed beliefs. There is a real controversy about who
12 the plaintiff in this case actually is, and plaintiff, whoever it
13 is, should provide discovery on this issue.

14 Request for Admission No. 8:

15 That Michael Flynn was considered an enemy of plaintiff.

16 Response to Request for Admission No. 8:

17 Plaintiff objects to this request for admission on the
18 grounds that it is (1) irrelevant to the subject matter of the
19 action, (2) interposed solely to harass, oppress and annoy the
20 plaintiff, and (3) vague, ambiguous and unintelligible as phrased.

21 Supplemental Response to Request for Admission No. 8:

22 Plaintiff further objects to this request for admission on
23 the grounds that on June 17, 1994, the Court ordered references to
24 Michael Flynn stricken from Armstrong's cross-complaint, along
25 with 61 other paragraphs containing peripheral and irrelevant
26 matter, and that Armstrong has interposed and pursued this
27 discovery request in bad faith.

28 Reason admission needed:

1 See reasons for 3, 6 and 7, above. Additionally this request
2 is relevant because Scientology has specific policies and
3 practices relating to the treatment of enemies, which policies and
4 practices cannot be deviated from by organization members on
5 penalty of extreme ethics punishment. Scientology's policies and
6 practices relating to its enemies have been judicially observed
7 and condemned. See, e.g., Allard v. Church of Scientology, (1976)
8 58 C.A.3d 439, 129 Cal.Rptr.797; Wollersheim v. Church of
9 Scientology, (1989) 212 Cal.App.3d 872, 260 Cal.Rptr.331, decision
10 filed June 22, 1984 in Church of Scientology v. Gerald Armstrong,
11 Los Angeles Superior Court No. C 420153, Church of Scientology v.
12 Gerald Armstrong (1991) 232 Cal.App.3d 1060, 283 Cal.Rptr.917.
13 Scientology literature contains countless uses of the term
14 "enemy," and such is well understood in the organization. There
15 is, therefore, no vagueness, ambiguity or unintelligibility to the
16 request. The request is central to Armstrong's defenses of, inter
17 alia, fraud, duress and unclean hands, is very simple, and
18 therefore is not at all harassive, oppressive or annoying. The
19 response is evasive and unfounded.

20
21 DATED: August 17, 1994

HUB LAW OFFICES

22
23
24 By: 

FORD GREENE
Attorney for Defendant and
Cross-Complainant
GERALD ARMSTRONG